

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 16, 2002

D040441 In re Nychay on Habeas Corpus

Petition granted. McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

D039226 Luly v. Wigington Petroleum, Inc., et al.

The order awarding Wigington contractual attorney fees is reversed. Luly is to recover his costs on appeal. The petition for writ of supersedeas is moot and is dismissed. Nares, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D041014 Araiza v. Superior Court of the County of San Diego/People

The petition is denied.

D039656 Wasatch Property Management v. Syriah Degrade

It is ordered that the opinion filed on November 19, 2002, be modified. There is no change in the judgment.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 17, 2002

D039939 People v. Simon

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D036674 In re the Marriage of Kline

The order is reversed insofar as it requires payment from Wanda. In all other respects the order is affirmed. Each party to bear its own costs of appeal. Benke, J.; We Concur: Kremer, P.J., Nares, J.

D040926 In re Sambrano on Habeas Corpus

The petition is denied.

D041047 Diaz et al. v. Superior Court of San Diego County/Ridgway et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 18, 2002

D039210 People v. Quarles

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D038639 Goodrich v. City of San Diego et al.

The judgment is affirmed. The City of San Diego and the San Diego Police Department are awarded costs on appeal. McConnell, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D039789 In re C.N. et al., a Juvenile

The orders are affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D040754 Kimberly M. v. Superior Court of the County of San Diego/San Diego County
Health and Human Services Agency**

The petition is denied. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

**D040236 Joshua C. v. Superior Court of San Diego County/San Diego County Health and
Human Services Agency**

The petition is denied. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

D038858 People v. Caporrimo

The judgment is affirmed. McConnell, J.; We Concur: Kremer, P.J., Benke, J.

D038447 People v. Quailey

The judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D038124 In re the Marriage of Heaton

The orders appealed from are affirmed. Susan to recover her costs on appeal. Huffman, Acting P.J., We Concur: Nares, J., O'Rourke, J.

D037801 People v. Davison

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D038507 Lockhart v. Lockhart

The petition for rehearing is denied. Justices Huffman and McIntyre concur in the denial; Justice Haller would grant.

**D041161 Katharine M. v. Superior Court of the County of San Diego/San Diego County
Health and Human Services Agency**

The attorney for petitioner Katharine M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 19, 2002

D039535 People v. Johnson

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., O'Rourke, J.

D037485 People v. Athar

The judgment is affirmed. O'Rourke, J.; We Concur: McDonald, Acting P.J., McConnell, J.

D039761 McMeans et al. v. Medical Liabilities Recoveries, Inc.

The court's grant of summary judgment in favor of MLR is reversed. The court's denial of Class members' motion for summary adjudication of MLR's defense of privilege under section 47, subdivision (b)(2) is affirmed. The court's denial of Class members' motion for summary adjudication of their eighth cause of action for declaratory relief is reversed as to class representative McMeans, but affirmed as to class representatives Shaul and Deny. O'Rourke, J.; We Concur: Benke, Acting P.J., McDonald, J.

D039546 People v. Suggs

Judgment affirmed. Kremer P.J.; We Concur: Huffman, J., O'Rourke, J.

D037249 People v. Meza et al.

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Haller, J.

D038930 Massie v. Sharp Memorial Hospital et al.

The judgment is affirmed. O'Rourke, J.; We Concur: Nares, Acting P.J., McConnell, J.

D039830 Hunter v. California Franchise Tax Board et al.

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D039760 People v. Hayzlett

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D040304 People v. Phillips

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D039231 People v. Thompson

The concurrent sentence imposed for possessing a controlled substance is stayed pursuant to Penal Code section 664. In all other respects the judgment is affirmed. The superior court is directed to modify the abstract of judgment to reflect that the sentence for the conviction of possessing a controlled substance is stayed and to send the amended abstract of judgment to the Department of Corrections. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D039621 People v. Aguilar

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D039731 People v. Castoire

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 19, 2002 (Continued)

D038211 People v. Delpueche

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D041204 Evans v. Superior Court of the County of San Diego/People

For good cause shown the Superior Court of the County of San Diego is ordered to show cause why the relief requested should not be granted. Absent objection on or before December 30, 2002, the brief on file will be deemed the return to the order to show cause. Petitioner may file a reply on or before January 6, 2003. Oral argument will be deemed waived unless request on or before January 13, 2003. The stay previously issued remains in effect.

D041302 Rite Aid Corporation et al. v. Superior Court of San Diego County/Utho

The petition is denied.

D041089 In re Lozano on Habeas Corpus

The petition is denied.

D039270 In re Megan F., a Juvenile

The juvenile court orders are affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D041184 Tracie W. v. Superior Court of the County of San Diego/San Diego County Health and Human Services Agency

The attorney for petitioner Tracie W. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D041096 Safari Salon & Spa Inc. et al. v. Superior Court of San Diego County/Spectrum Property Management Inc.

The petition is denied.

D037895 People v. Rios

The petition for rehearing is denied.

D038417 People v. de la Garza

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D040458 In re Robert L., a Juvenile

The judgment is affirmed. McDonald, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D038367 People v. Peterson

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D038347 People v. Dusseau

The judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Benke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 19, 2002 (Continued)

**D040158 Warburton/Buttner v. Superior Court of San Diego County/The Tunica-Biloxi
Tribe of Louisiana**

The petition for rehearing is denied.

**D041129 Tamisha D. et al. v. Superior Court of the County of San Diego/San Diego County
Health and Human Services Agency**

The attorney for petitioner Tamisha W. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Tamisha D. is dismissed.

**D041237 Reginald M. v. Superior Court of the County of San Diego/San Diego County Health
and Human Services Agency**

The attorney for petitioner Reginald M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D040378 H.B. v. M.B.

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D040975 People v. McCann

The above-entitled appeal filed August 21, 2002 is dismissed without prejudice to refiling after judgment is entered.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 20, 2002

D038150 People v. Atta

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., Haller, J.

D038136 In re the Marriage of De Prieto

The judgment is affirmed. Costs to De Prieto on appeal. CERTIFIED FOR PARTIAL PUBLICATION.
Haller, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D040726 In re the Marriage of Russell and Smith

Smith's motion to strike the reply brief is denied. The orders are affirmed. McDonald, J.;
We Concur: Huffman, Acting P.J., Haller, J.

D039714 People v. Patel

The petition for rehearing is denied.